

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-sixth Legislature

OF THE

STATE OF MAINE

From April 4, 1931, to March 31, 1933

AND MISCELLANEOUS STATE PAPERS

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**[DUE TO ITS SIZE, THIS LAW HAS BEEN DIVIDED INTO
TWO ELECTRONIC FILES. THIS IS THE SECOND FILE.]**

Reformatory for Women.

Sec. 354. Establishment and maintenance of reformatory for women. The state shall maintain a reformatory in which all women over the age of 16 years and under the age of 40 years who have been convicted of or have pleaded guilty to crime in the courts of the state or of the United States, and who have been duly sentenced and removed thereto, shall be imprisoned in accordance with the sentences or orders of said courts and the rules and regulations of said reformatory. The head of the reformatory shall be a woman, and be called the superintendent.

Sec. 355. Commitment; length of sentence; woman attendant in serving mittimus. When a woman over the age of 16 years and under the age of 40 years is convicted before any court or trial justice having jurisdiction of the offense, of an offense punishable by imprisonment, such court or justice may order her commitment to the reformatory for women, or sentence her to the punishment provided by law for the offense. Commitments to the reformatory shall be for an indefinite period except that in felony cases a definite sentence may be given for a period of over 5 years.

No woman committed to the reformatory for an indefinite period shall be held therein for more than 3 years when the offense for which she was committed was a misdemeanor, nor for more than 5 years if the said offense was a felony.

Upon commitment of such woman, if the officer to whom the mittimus or order of commitment is addressed is not a woman, the judge or trial justice shall in all cases when feasible designate a woman to be an attendant to accompany her to said reformatory.

Sec. 356. Sentence not void because for a definite period. If, through oversight, or otherwise, any person is sentenced to imprisonment in the said reformatory for women for a definite period of time, said sentence shall not for that reason be void; but the person so sentenced shall be entitled to the benefit, and subject to the liabilities of sections 354 to 365, in the same manner and to the same extent as if the sentence had been in the terms required by section 355. In such case the superintendent shall deliver to such offender a copy of said sections.

Sec. 357. Record of commitments shall be kept by superintendent. The judge or magistrate committing a woman to the reformatory, shall cause the superintendent to be immediately notified of such commitment, and shall cause a record to be kept of the name, age, birthplace, occupation, previous commitments, if any, and for what offense, the last place of residence of such woman, and the particulars of the offense for which she is committed. A copy of such record shall be transmitted with the warrant of commitment to the superintendent of such institution, who shall

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cause the facts stated therein and such other facts as may be directed by the department to be recorded in such form as the department shall determine.

Sec. 358. Age of woman committed shall be determined and stated in mittimus; effect. Such judge or magistrate shall, before committing any such woman, inquire into and determine the age of such woman at the time of her commitment, and her age as so determined, shall be stated in the mittimus. The statement of the age of such woman in such mittimus shall be conclusive evidence as to such age in any action to recover damages for her detention or imprisonment under such mittimus, and shall be presumptive evidence thereof in any other inquiry, action, or proceeding relating to such detention or imprisonment.

Sec. 359. Care of children of women committed. If any woman committed to said reformatory is, at the time of her commitment, the mother of a nursing child in her care and under 1 year of age, or is pregnant with child which shall be born after such commitment, such woman may retain such child in said reformatory until it shall be 2 years of age, when it must be removed therefrom. The department may cause such child to be placed in any asylum for children in this state and pay for the care and maintenance of such child therein until the mother of such child shall have been discharged, or may commit such child to the care and custody of some relative or proper person willing to assume such care, or such child may be committed to the custody of the department under the provisions of section 204. If such woman, at the time of such commitment, shall be the mother of and have under her exclusive care, a child more than 1 year of age, which might be otherwise left without proper care or guardianship, the magistrate committing such woman shall cause such child to be committed to such asylum as may be provided by law for such purposes, or to the care and custody of some relative or proper person willing to assume such care or to the custody of the department. Any commitment of a child under the provisions of this section to the custody of any asylum for children or to any relative or other person, or to the department, shall be subject to the provisions of section 207.

Sec. 360. Department may issue liberty permit in certain cases; revocation; return for unexpired term. When it appears to the department that a woman who has been sentenced to the reformatory for women has reformed, they may issue to her a permit to be at liberty, provided that some suitable employment or situation has been secured in advance for such woman, upon such other conditions as they shall prescribe, during the remainder of the term for which she might otherwise be held in said reformatory, and they may revoke said permit at any time before its expiration; but no such permit shall be issued to any woman who has been

sentenced for more than 5 years. If a permit so issued be revoked, or if a woman escapes from the reformatory, the department may cause her to be rearrested and returned thereto for the unexpired portion of her term, dating from the time of her escape or the revocation of her permit. Any inmate ordered returned to the reformatory may, on the order of the superintendent or other officer of the institution, be arrested and returned to the reformatory or to any officer or agent thereof, by any sheriff, constable, police officer, state agent for the protection of children or other person, and may also be arrested and returned by any officer or agent of the reformatory.

Sec. 361. Escape of inmate; penalty. Any woman lawfully committed to said reformatory who escapes therefrom, or who violates the condition of any permit by which she may have been allowed to be at liberty under the preceding section, shall be punished by additional imprisonment in said reformatory for not more than 11 months for each such offense. Prosecution under this section may be instituted in any county in which said woman may be arrested or in the county of Somerset, but in such case the costs and expense of trial shall be paid by the county from which said woman was originally committed, and payment enforced as provided in the following section.

Sec. 362. Expense of trial for crime committed while an inmate. Whenever any inmate of the reformatory for women, not having been sentenced thereto by the court of the county wherein such reformatory for women is situated, shall be convicted in such county of any misdemeanor or felony committed while an inmate of the said reformatory, the costs and expenses of trying such convicted inmate, and of her maintenance after conviction and sentence, if to the county jail of such county, shall be paid by the county from which the said convicted inmate was originally sentenced; the costs and expenses of the trial of such convicted inmate shall, in the first instance, be paid by the county wherein such reformatory for women is situated, and the commissioners thereof may thereupon draw their warrant upon the treasurer of the county, from which said convicted inmate was sentenced to the reformatory, for the amount so paid by the said county wherein such reformatory is situated, for said costs and expenses, and the treasurer upon whom said warrant may be drawn shall pay it forthwith.

Sec. 363. Governor may grant pardon. Nothing herein contained shall be construed to interfere with the power of the governor to grant a pardon or commutation in any case.

Sec. 364. Incurrigible inmates; trial and sentence; discharge from reformatory. Any person committed to the reformatory for women whose

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presence therein may be seriously detrimental to the well-being of the institution or who wilfully and persistently refuses to obey the rules and regulations of said institution, may be deemed and declared an incorrigible. When complaint is made to any judge of any municipal court having jurisdiction, he may upon hearing bind over any person so accused to the term of the superior court next to be holden, within such county, and if indictment is returned therefor, then upon conviction said incorrigible may be sentenced to the state prison for not less than 1 year nor more than 5 years. Upon conviction as such incorrigible and sentence as above provided said person shall be discharged from said reformatory and be relieved from serving the balance of sentence in said reformatory.

Sec. 365. Transfer to reformatory from other penal institutions. Upon petition of the department asking for the transfer to the reformatory for women of any woman serving sentence in the state prison, in any county jail, or in any house of correction, presented to the court or trial justice having imposed sentence, the judge or magistrate shall set a time for hearing, giving at least 48 hours' notice to said woman, and shall notify the custodian of said woman to bring said woman before him for hearing. After hearing, said judge or said magistrate may order said woman transferred to the reformatory for women to serve the remainder of the term of sentence under which said woman was committed to the state prison, county jail, or house of correction. The provisions of this chapter in regard to original commitments to the reformatory shall apply to any transfer under this section, but in no case shall the time of sentence to be served in the reformatory exceed the remaining time of the sentence originally imposed. A woman transferred under this section shall be subject to the provisions of this chapter relating to the reformatory and to the same rules and regulations as inmates originally committed to the reformatory.

Reformatory for Men.

Sec. 366. Reformatory for men. The state shall maintain a reformatory in which all males over the age of 16 years and under the age of 36 years who have been convicted of or have pleaded guilty to crime in the courts of this state or of the United States, and who have been duly sentenced and removed thereto, shall be imprisoned and detained in accordance with the sentences or orders of said courts and the rules and regulations of said reformatory. The provisions for the safe-keeping or employment of such inmates shall be made for the purpose of teaching such inmates a useful trade or profession, and improving their mental and moral condition.

The head of the institution shall be called the superintendent.

Sec. 367. Commitments for less than 5 years; to be of indeterminate duration. When a male over the age of 16 years and under the age of 36

years is convicted before any court or trial justice having jurisdiction of the offense, of an offense punishable by imprisonment in the state prison, or in any county jail, or in any house of correction, such court or trial justice may order his commitment to the reformatory for men, or sentence him to the punishment provided by law for the same offense. When a male is ordered committed to the reformatory for men, the court or trial justice ordering the commitment shall not prescribe the limit thereof except as provided in sections 370 and 371, but no man committed to the reformatory as aforesaid shall be held for more than 5 years if convicted for a felony; nor for more than 3 years if convicted for a misdemeanor after a prior conviction of crime, otherwise for not more than 1 year.

If through oversight, or otherwise, any person be committed to imprisonment in the said reformatory for men for a definite period of time, said commitment for that reason shall not be void; but the person so committed shall be entitled to the benefit, and subject to the provisions of this section, in the same manner and to the same extent as if the commitment had been in the terms required by this section. In such case the superintendent of the reformatory shall deliver to such offender a copy of sections 366 to 373, inclusive.

Sec. 368. Court to notify superintendent of commitments and to furnish copy of record with warrant. The judge or trial justice making a commitment pursuant to section 367, shall cause the superintendent of the reformatory to be notified immediately of such commitment and shall cause a record to be kept of the name, age, birthplace, occupation, previous commitments, if any, and for what offense, the last residence of such person so committed, and the particulars of the offense for which he is committed. A copy of such record shall be transmitted with the warrant of commitment to the superintendent of such reformatory, who shall cause the facts stated therein and such other facts as may be directed by the department to be recorded in such form as the department may direct.

Sec. 369. Court to determine age of person committed. Such judge or trial justice shall, before committing any such person, inquire into and determine the age of such person at the time of commitment, and his age so determined, shall be stated in the mittimus. The statement as to the age of said person so committed shall be conclusive evidence as to such age in any action to recover damages for his detention or imprisonment under such mittimus, and shall be presumptive evidence thereof in any other inquiry, action, or proceeding relating to such detention or imprisonment.

Sec. 370. Condition of parole; violation of term of parole; penalty. When it is made to appear to the department that a person who has been

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committed to the reformatory has reformed, it may issue to him a permit to be at liberty providing that some suitable employment or situation has been secured in advance for such person, and upon such other conditions as the department shall prescribe during the remainder of the term for which he might otherwise be held in said reformatory, and it may revoke such permit at any time before its expiration. If any permit so issued is revoked by the department for any violation of the conditions thereof, it may cause such person to be rearrested and returned thereto for the unexpired portion of the term for which he might have been held in said reformatory as provided in section 367 and such unexpired portion shall date from the time of the revocation of the said permit, and in addition he shall be punished by imprisonment in said reformatory for not more than 1 year to commence at the expiration of said unexpired portion above determined. Any inmate ordered returned to the reformatory may, on the order of the superintendent or other officer of the institution be arrested and returned to the reformatory, or to any officer or agent thereof, by any sheriff, constable, police officer, state agent for the protection of children, or other person, and may also be arrested and returned by any agent or officer of the reformatory.

Sec. 371. Escapes; apprehension; assaults; penalties. When a person sentenced to the state reformatory for men escapes therefrom, the superintendent shall take all proper measures for his apprehension.

Any person lawfully committed to said reformatory who escapes therefrom or forcibly attempts so to do or assaults any officer or other person employed in the government thereof shall be punished by additional imprisonment in said reformatory for not more than 1 year to commence at the expiration of the term for which he might have been held as provided in section 367 or at the discretion of the court he shall be punished by imprisonment at hard labor for any term of years. Prosecution under this section may be instituted in any county in which said person may be arrested or in the county of Cumberland but in such case the costs and expense of trial shall be paid by the county from which said person was originally committed, and payment enforced as provided in the following paragraph.

Whenever any inmate of the reformatory, not having been sentenced thereto by a court of the county wherein such reformatory is situated and established shall be convicted in such county of any misdemeanor or felony committed while an inmate of said reformatory, or of an escape therefrom, the cost and expense of trying such convicted inmate, and of his maintenance after conviction and sentence, if to the county jail of such county, shall be paid by the county from which the said convicted inmate was sentenced, and the costs and expenses of such trial shall, in the first in-

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stance, be paid by the county wherein such reformatory shall be established, whose commissioners are thereupon authorized to draw their warrant upon the treasurer of the county, from which said convicted inmate was sentenced to said reformatory, for the amount paid as aforesaid by said county wherein said reformatory is established, for said costs and expenses which warrant it shall be the duty of the treasurer upon whom it may be drawn to pay forthwith.

Sec. 372. Pardoning power of governor not to be abridged. Nothing herein contained shall be construed to interfere with the pardoning power of the governor or commutation in any case.

Sec. 373. Incurrible inmates; proceedings for transfer to state prison. Any person committed to the reformatory for men whose presence therein may be seriously detrimental to the well-being of the institution or who wilfully and persistently refuses to obey the rules and regulations of said institution, may be deemed and declared an incurrible. Upon complaint being made to any judge of any municipal court in the county, he may upon hearing bind over any person so accused to the term of the superior court next to be holden within such county, and if indictment is returned therefor, then upon conviction said incurrible may be sentenced to the state prison for not less than 1 year nor more than 5 years. Upon conviction of such person committed to the reformatory for men as such incurrible and sentence as above provided said person shall be discharged from said reformatory for men and be relieved from serving the balance of his sentence in said reformatory.

Juvenile Institutions.

Sec. 374. Institutions for juvenile offenders vs. state and federal law. The state shall maintain the state school for boys, established in the city of South Portland, for the instruction, employment and reform of juvenile offenders, and of the state school for girls, established in Hallowell, for the education, employment, and reform of girls, the head of each of which shall be called the superintendent. The department may contract with the attorney-general of the United States for the confinement and support in said schools of juvenile offenders against the laws of the United States in accordance with the provisions of the United States Code, Title 18, sections 706 and 707.

The State School for Boys.

Sec. 375. Commitments to the school, and to alternative punishment; deaf and dumb, non compos, or insane not to be sent; records. When a boy between the ages of 11 and 17 years is convicted before any court or trial justice having jurisdiction of the offense, of an offense punishable by

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imprisonment in the state prison, not for life, or in the county jail, or in the house of correction, such court or justice may order his commitment to the state school for boys or sentence him to the punishment provided by law for the same offense. If to such school, the commitment shall be conditioned that if such boy is not received or kept there for the full term of his minority, unless sooner discharged by the department as provided in section 378, or released on probation as provided in section 380, he shall then suffer the punishment provided by law, as aforesaid, as ordered by the court or justice; but no boy shall be committed to said school who is deaf and dumb, non compos, or insane. The record in the event of conviction in all such cases shall be that the accused was convicted of juvenile delinquency, and the court shall have power at the hearing of any such case to exclude the general public other than persons having a direct interest in the case. The records of any such case by order of the court may be withheld from indiscriminate public inspection, but such records shall be open to inspection by the parent or parents of such child or lawful guardian or attorney of the child involved.

Sec. 376. Age, residence, and day when minority expires certified in mittimus. When any boy is ordered to be committed to the state school for boys, the court or trial justice by whom such commitment is ordered shall certify in the mittimus the city or town in which such boy resides at the time of his commitment, the age of the boy, and the date on which his term of minority will expire. The finding of the court or justice regarding the age and residence of the boy shall be deemed a decision of a question of fact, and his certificate thereof shall be conclusive evidence of the age and residence of the boy and of the day on which his term of minority will expire.

Sec. 377. Instruction and discipline. Every boy committed to said school, shall there be kept, disciplined, instructed, employed, and governed, under the direction of the department until the term of his commitment expires, or he is discharged as reformed, bound out by said department according to its by-laws, or remanded to some penal institution under the sentence of the court or transferred to the reformatory for men as incorrigible, upon information to the department as hereinafter provided.

Sec. 378. Proceedings, when department or superintendent do not receive a boy. When a boy is ordered to be committed to said school and the department deems it inexpedient to receive him, or his continuance in the school is deemed injurious to its management and discipline, it shall certify the same upon the mittimus by which he is held, and the mittimus and boy shall be delivered to any proper officer, who shall forthwith commit said boy to the jail, house of correction, or state prison, or if he has attained the age of 16 years, to the state reformatory for men according

to his sentence. The department may discharge any boy as reformed; and may authorize the superintendent, under such rules as it prescribes, to refuse to receive boys ordered to be committed to said school, and his certificate thereof shall be as effectual as its own.

Sec. 379. Term of commitment; record of discharge; effect of discharge. All commitments of boys shall be during their minority unless sooner discharged by order of the department, as before provided; and when a boy is discharged from the school at the expiration of his term, whether he be then in the institution or lawfully out on probation, or when discharged as reformed, an appropriate record of such discharge shall be made by the superintendent upon the register of the school required to be kept by provisions of section 382. Such discharge shall be a full and complete release from all penalties and disabilities created by his sentence and commitment, and the record of the proceedings under which such boy was so committed shall not be deemed to be, nor shall it be subsequently used as, a criminal record against him. Each boy discharged from the institution shall receive an appropriate written discharge, signed by the superintendent. Such discharge, or a copy, duly certified by the superintendent, of the record of discharge upon the register of the school, shall be receivable in evidence and conclusive of the facts therein stated.

Sec. 380. Boys may be committed on probation to any suitable inhabitants of the state; return to the school. The department may commit, on probation and on such terms as it deems expedient, to any suitable inhabitant of the state, any boy in their charge, for a term within the period of his commitment, such probation to be conditioned on his good behavior and obedience to the laws of the state. Such boy shall, during the term for which he was originally committed to the school, be also subject to the care and control of the department, and on its being satisfied at any time, that the welfare of the boy will be promoted by his return to the school, it may order his return. On his return to the school, such boy shall there be held and detained under the original mittimus. The department may delegate to the superintendent under such rules as they prescribe the powers herein granted to the department to commit any boy on probation to any suitable inhabitant of the state, and to return to the school any boy so committed when he is satisfied that the welfare of the boy will be promoted by his return. Any boy ordered returned to the school may, on the order of the superintendent or other officer of the institution, be arrested and returned to the school, or to any officer or agent thereof, by any sheriff, constable, or police officer or other person; and may also be arrested and returned by any officer or agent of the school.

Sec. 381. Instruction to inmates; department to make rules, and specify punishments. The department shall establish and maintain a mechanical

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school, and cause the boys under its charge to be instructed in mechanical trades and in the branches of useful knowledge, adapted to their age and capacity; also in agriculture and horticulture, according to their age, strength, disposition, and capacity; and otherwise, as will best secure their reformation, amendment, and future benefit. In binding out the inmates, the department shall have scrupulous regard to the character of those to whom they are bound. The department shall specify the punishments that may be inflicted upon boys in the school, and any officer, agent, or servant, who inflicts punishment not so authorized shall be discharged.

Sec. 382. The superintendent; record of punishment, open to public inspection; register. The superintendent shall be a constant resident at the institution; and discipline, govern, instruct, employ, and use his best endeavors to reform the inmates, so as to preserve their health, and secure, so far as possible, moral and industrious habits, and regular improvement in their studies, trades, and various employments. He shall see that no punishment is inflicted in violation of the rules of the department, and shall immediately enter in a book kept for the purpose, a particular record of all corporal punishment inflicted, stating the offense, the punishment, and by whom administered, which record shall be open to public inspection. He shall keep a register containing the name and age of each boy, and the circumstances connected with his early life and add such facts as come to his knowledge relating to his subsequent history, while at the institution, and after he left it.

Sec. 383. Homeless reformed boys may be returned. Any boy deemed by the department to be reformed who has no suitable home to which he can be sent and for whom, in consequence of physical infirmity or other reason, no suitable home can be found by the department, may be discharged by said department and returned to the selectmen of the town or the overseers of the poor of the city where such boy resided at the time of his commitment.

Sec. 384. Solitary confinement regulated; denial of food prohibited. The inmates shall, so far as practicable, take daily outdoor exercise and be employed in some outdoor labor. Each shall be provided with his own clothing and be taught to care for it. Solitary confinement is not allowed except for grave offenses specified in the rules of the department and the apartment where it is inflicted, shall be suitably warmed, lighted, and provided with a bed and proper appliances for cleanliness. All the boys shall receive the same quality of food and in quantities to satisfy their appetites. They shall not be punished by a denial or short allowance of food.

Sec. 385. Incurrible inmate over 16 years of age may be transferred

to reformatory for men. If, in the opinion of the department, any boy, under the guardianship of the state school for boys, or who may hereafter be committed thereto, who has attained the age of 16 years, is incorrigible, the superintendent may certify the same on the original mittimus and have it signed by the commissioner or some official duly authorized by him; whereupon said boy shall be transferred from said state school for boys to the reformatory for men, together with the original mittimus and certificate thereon. It shall be the duty of the officers of the reformatory for men to receive any boy so transferred and the remainder of the original commitment shall be executed at the reformatory for men.

State School for Girls.

Sec. 386. Duties of department; may bind to service any girl committed to its charge. The department shall have all the powers as to the person, property, earnings, and education of every girl committed to the charge of said department during the term of her commitment, which a guardian has as to his ward, and all powers which parents have over their children. At the discretion of said department, any such girl, during her commitment, may be kept at said school, or entrusted to the care of any suitable person and may be required to work for such person, for a period not exceeding the term of her commitment, on such conditions as said department may deem reasonable and proper. The department shall require the person to whom such girl is entrusted, to report to said department as often as once in 3 months the conduct and behavior of such girl, and whether she remains under such person, and if not, where she is. Said department shall take care that the terms of such trust are fulfilled, and the girl well treated, and if it believes that by reason of her misconduct, vicious inclinations or surroundings, she is in danger of falling into habits of vice or immorality, or that her welfare is in any way imperiled, it may cancel such trust and resume charge of such girl with the same powers as before the trust was made. The powers of said department with respect to any girl entrusted, as herein provided, to the care of a suitable person are not affected thereby. Said department may authorize any officer thereof, or the superintendent of said school to entrust said girls to the care and service of a suitable person or persons without indenture, to see to their welfare during such service and to require their return to said school at discretion. The department shall have regard to the character of those to whom any girl is entrusted.

Sec. 387. Commitments to school; effect of a discharge with a certificate of good behavior; when discharged for misbehavior. On complaint to a trial justice or municipal court of the county, that a girl between the ages of 9 and 17 years has been guilty of an offense punishable by fine or imprisonment, other than imprisonment for life, such justice or court may so

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far examine into the case as to satisfy himself whether she is a suitable subject for commitment to said school, and if he so decides, he may thereupon suspend the case and certify accordingly, and order her to be committed to the guardianship of the department during her minority, unless sooner discharged by process of law. No girl so committed, if she remains under the guardianship of said department during the term of her commitment, or is sooner discharged with a certificate of good behavior, shall thereafter be examined or tried on the suspended complaint or for the offense therein charged. But if discharged for misbehavior, or if she escapes from said school, she may be tried therefor, and punished according to law.

Sec. 388. If not received, or if discharged for misbehavior, punishment; records. If a girl of the age herein limited is found guilty of an offense punishable with fine or imprisonment, other than imprisonment for life, she may be sentenced in the alternative to the aforesaid school, or if not received therein, or if discharged therefrom for misbehavior, to such punishment as the law provides for like offenses. The record in the event of conviction in all such cases shall be that the accused was convicted of juvenile delinquency, and the court shall have power at the hearing of any such case to exclude the general public other than persons having a direct interest in the case. The records of any such case by order of the court may be withheld from indiscriminate public inspection, but such records shall be open to inspection by the parent or parents of such child or lawful guardian or attorney of the child involved.

Sec. 389. Department may refuse to receive, or may discharge any girl committed. The department may refuse to receive any girl committed to said school under the 2 preceding sections, or may discharge any girl whose continuance, by reason of her vicious example and influence, or other misconduct, is in their opinion prejudicial to the school, or who for any reason ought not to be retained therein. Its refusal may be certified on the warrant of commitment, and she shall remain in the custody of the officer having the same, to be disposed of as prescribed in said sections. If it discharges her, it shall set forth its reasons therefor in a warrant of discharge, and any proper officer may return her to the court which committed her, or commit her as provided in the alternative sentence.

Sec. 390. Precepts, how to be executed. Precepts issued in pursuance of the 3 preceding sections may be executed by any officer who may execute criminal process; and the fees of judges, justices, and officers are the same as for similar services in criminal cases, and shall be audited by the county commissioners and paid from the county treasury.

Sec. 391. Commitment of idle or vicious girls. A parent or guardian

of any girl between the ages of 9 and 17 years, the municipal officers, or any 3 respectable inhabitants of any city or town, where she may be found, may complain in writing to the judge of probate or any trial justice in the county, or to the judge of the municipal court for such city or town, alleging that she is leading an idle or vicious life, or has been found in circumstances of manifest danger of falling into habits of vice or immorality, and request that she may be committed to the guardianship of the department. The judge or justice shall appoint a time and place of hearing, and order notice thereof to all persons entitled to be heard, and at such time and place, may examine into the truth of said allegations, and if satisfactory evidence thereof is adduced, and it appears that the welfare of such girl requires it, he may order her to be committed to the custody and guardianship of the department during her minority, unless sooner discharged by process of law. All precepts issued in pursuance of this section may be executed by any officer who may execute civil process. Upon commitment of such girl if the officer to whom the mittimus or order of commitment is addressed is not a woman the judge or trial justice shall designate a woman to be an attendant to accompany her to the state school for girls, and the fees of judges of municipal courts, trial justices, and officers shall be the same as for similar services in civil cases.

Revisor's note: Amended by P. L., 1933, c. 94

Sec. 392. Record of proceedings to be filed with clerk of courts; appeal; recognizance of appellant; fees. The judge or justice before whom a girl is brought under this chapter, shall make a brief record of his proceedings, and transmit it with all the papers in the case to the clerk of courts for the county, who shall file and preserve them in his office. A girl committed to the school may appeal from the order of commitment in the manner and to the court provided in case of appeals from trial justices, and the case shall be entered, tried and determined in the appellate court. In case of appeal, in lieu of any other recognizance, the justice or judge shall require the recognizance, in a reasonable sum, of some responsible and proper person for the custody, care and nurture of the girl, pending the appeal, and for her appearance to abide the final order of the appellate court, and in default thereof, may commit her to said school until final disposition of the appeal. In such cases, no fees shall be required of the appellant for recognizance or copies of papers.

Sec. 393. Age, parentage, birthplace, and offense certified on mittimus; expenses of clothing, etc., paid by the state. The court or justice by whom a girl is committed shall certify on the mittimus, her age, parentage, birthplace, the charge on which she is committed, and the city or town where she resided at the time of her arrest, so far as he can ascertain such particulars; and this certificate shall be conclusive evidence of her age. The

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expenses of clothing and subsistence of all girls committed to said school shall be paid by the state.

Sec. 394. Incorrigible girl, 16 years of age and over, may be transferred to reformatory for women. If, in the opinion of the department, any girl, under the guardianship of the department, or who may hereafter be committed to the school, who has attained the age of 16 years, is incorrigible, it may certify the same on the original mittimus and have it signed by the commissioner, or such bureau director as he may designate, whereupon said girl shall be transferred from said state school for girls to the reformatory for women, together with the original mittimus and certificate thereon. It shall be the duty of the officers of the reformatory for women to receive any girl so transferred, and the remainder of the original commitment shall be executed at the reformatory for women.

Insane Hospitals.

Sec. 395. Insane hospitals to be maintained. The state shall maintain 2 hospitals for the insane, 1 at Bangor called the Bangor state hospital and the other at Augusta, called the Augusta state hospital.

Sec. 397. Duties and powers of the superintendent; his annual report. The head of each hospital shall be called the superintendent, and shall be a physician. He shall reside constantly at the hospital and have general superintendence of the hospital and grounds under the direction of the department; and shall receive all patients in need of special care and treatment, legally sent to the hospital, that the accommodations permit, subject to the regulations of the department.

Sec. 398. Rules and regulations to be kept posted. The superintendent of each hospital shall keep posted, in conspicuous places about the hospital under his charge, printed cards containing the rules and regulations prescribed for the government of employees.

Sec. 399. Ill treatment of patients by employees; penalty. When it appears that any employee treats a patient with injustice or inhumanity, he shall immediately be discharged. When the superintendent is satisfied that any employee abuses or ill treats an inmate of the hospital, he shall discharge him at once, and make complaint of such abuse or ill treatment before the proper court; and such employee on conviction, shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for not more than 90 days. In a trial of any officer or employee for wilfully inflicting an injury upon the person of any patient, the statement of any patient, cognizant thereof, shall be taken and considered for what it is worth; and no one connected with the hospital shall sit upon the jury trying the case.

Sec. 400. Inquest held on sudden death. In case of the sudden death of a patient in either hospital under circumstances of reasonable suspicion, an examination and inquest shall be held as in other cases, and the superintendent or department shall cause a medical examiner to be immediately notified for that purpose.

Sec. 401. Name of commissioner to be posted in the wards; inmates allowed to write to commissioner. The name of the commissioner and his post-office address shall be kept posted in every ward of each hospital, and every inmate shall be allowed to write when and whatever he pleases to him, unless otherwise ordered by the commissioner in writing, which order shall continue in force until countermanded in writing by said commissioner. For this purpose, every patient, if not otherwise ordered as aforesaid, shall be furnished by the superintendent, on request, with suitable materials for writing, enclosing and sealing letters. The superintendent shall provide at the expense of the state, securely locked letter-boxes, easily accessible to all inmates, to be placed in each hospital, into which such letters can be dropped by the writer. No officer, attendant, or employee of either hospital shall have the means of reaching the contents of these boxes, but the letters in them shall be collected weekly by some representative of the commissioner, or by such person as the commissioner authorizes for the purpose, who shall prepay such only as are addressed to the commissioner and deposit them in the post-office without delay.

Sec. 402. Letters to be delivered to patients, unopened. The superintendent, or party having charge of any patient, shall deliver to him any letter or writing to him directed, without opening or reading the same, provided, that such letter has been forwarded by the commissioner, or is directed to such persons as the commissioner has authorized to send or receive letters without the department's inspection.

Sec. 403. Transfer of patients; cost, how paid. The department may transfer any patient from one hospital for the insane to the other, or from one building for the criminal insane to any other building used for the care of the insane, whenever in its judgment the welfare of the patients or of either institution will be promoted thereby. The expense attending such transfer shall be paid out of the funds of the hospital making the transfer and shall be a charge on the person liable for the board of such patient.

Sec. 404. Removal for neglect of duties. Any person neglecting to perform the duties imposed upon him by the provisions of law relating to the state hospitals is removable from office by the authority from whom he received his appointment, and if removed, is forever ineligible to office or place in the hospital.

Commitment of the Insane.

Sec. 405. Duties of parents and guardians of insane minors. Parents and guardians of insane minors, if of sufficient ability to support them there, shall, within 30 days after an attack of insanity, without legal examination, send them to 1 of said hospitals and give to the department the bond required; or they may send them to some other hospital for the insane, within said period.

Sec. 406. Municipal officers may commit to the hospitals. Insane persons, not thus sent to any hospital, shall be subject to examination as hereinafter provided. The municipal officers of towns shall constitute a board of examiners, and on complaint in writing of any blood relative, husband, or wife of said alleged insane person, or of any justice of the peace, they shall immediately inquire into the condition of any person in said town alleged to be insane; shall appoint a time and place for a hearing by them of the allegations of said complaint, and shall cause to be given in hand to the person so alleged to be insane, at least 24 hours prior to the time of said hearing, a true copy of said complaint, together with a notice of the time and place of said hearing and that he has the right and will be given opportunity then and there to be heard in the matter; shall call before them all testimony necessary for a full understanding of the case; and if they think such person insane and that his comfort and safety or that of others interested, will thereby be promoted, they shall forthwith send him to 1 of the insane hospitals with a certificate stating the fact of his insanity, and the town in which he resided or was found at the time of examination, together with a statement of facts under oath satisfactory to the department in regard to the financial ability of such patient, or of any of his relatives legally liable to pay for his support, and directing the superintendent to receive and detain him until he is restored or discharged by law, or by the superintendent or department.

Sec. 407. Emergency cases. Pending the issue of such certificate by the municipal officers such superintendent may receive into his hospital any person so alleged on complaint to be insane, provided such person be accompanied by a copy of the complaint and physicians' certificate, which certificate shall set forth that in the judgment of the physicians the condition of said person is such that immediate restraint or detention is necessary for his comfort and safety, or the safety of others, and provided further that unless within 10 days thereafter said superintendent shall be furnished with the certificate hereinbefore provided for, the said city or town shall be liable to the hospital for the full support of such patient until such certificate of commitment is furnished. Said municipal officers shall keep a record of their doings, and furnish a copy to any interested person requesting and paying for it.

Revisor's note: Amended by P. L., 1933, c. 236

Sec. 408. Evidence of 2 physicians required. In all cases of preliminary proceedings for the commitment of any person to the hospital, to establish the fact of the insanity of the person to whom insanity is imputed, the evidence of at least 2 reputable physicians given by them under oath before the board of examiners shall be required, together with a certificate signed by such physicians and filed with said board, that in their opinion such person is insane, such evidence and certificate to be based upon due inquiry and personal examination of the person to whom insanity is imputed; and a certified copy of the physicians' certificate shall accompany the papers of commitment of the insane person to the hospital.

Sec. 408-A. Jurisdiction of justices of peace to commit. If the municipal officers neglect or refuse, for 3 days after complaint is made to them to examine and decide any case of insanity in their town, complaint may be made by any blood-relative, husband, or wife of said alleged insane person, or by any justice of the peace, to 2 justices of the peace; and the 2 justices to whom such application is made shall immediately inquire into the condition of such alleged insane person and shall proceed in the manner provided in section 406.

Sec. 409. Justices to keep record; fees. Such justices shall keep a record of their doings and furnish a copy thereof to any person interested requesting and paying for it; they shall be entitled to the same fees as for a criminal examination, to be paid by the person or corporation liable in the 1st instance for the support of the insane person in the hospital.

Sec. 410. Execution of order for commitment. When such justices order a commitment to a hospital, the municipal officers of the town where the insane resides, or such other person as the justices direct, shall cause such order to be complied with forthwith at the expense of the town; and after such commitment is made, the justices shall decide and certify the expenses thereof.

Sec. 411. Jurisdiction of judges of probate. The judges of probate in the several counties shall likewise have jurisdiction to examine insane persons except in those cases covered by section 405, and upon complaint in writing of any blood-relative, husband, or wife, of said alleged insane person, or of any justice of the peace, accompanied by the certificate of some reputable physician stating that in his opinion such person is insane, may immediately appoint a time and place for hearing, within the town or city in which said person resides or is found; and shall cause to be given in hand to the person so alleged to be insane, at least 24 hours prior to the time appointed for said hearing, a copy of said complaint attested by the register of probate of the county in which said hearing is to be held, together with a notice of the time and place of said hearing, and that he

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has a right and will be given opportunity there and then to be heard in the matter, and a like copy of said complaint and of said notice of hearing shall be served upon the clerk of the town in which said person resides or is found. Nothing herein contained shall require a judge of probate to appoint a hearing for the purpose of this section in any town other than the shire town of the county, or the town in which said person resides.

Sec. 412. Proceedings at hearing. The judge of probate before whom the hearing is held shall have authority to summon such witnesses as shall be necessary for the full understanding of the case; and if he shall decide that such person is insane, and that his comfort and safety, or that of others interested will thereby be promoted, he shall forthwith send him to one of the insane hospitals, with a certificate stating the fact of his insanity and the town in which he resided or was found at the time of the examination, and directing the superintendent to receive and detain him until he is restored or discharged by law or by the superintendent or department. The register shall keep a record of the doings in each case and furnish a copy to any interested person requesting and paying for it. Excepting sections 405 and 406, all other sections of this chapter, relating to the commitment, expense of supporting and discharge of the insane, shall also apply to commitments under this section.

Sec. 413. Jurisdiction first taken. The municipal officers or the judge of probate first taking jurisdiction of a complaint referred to in sections 406 and 411 hereof, shall have exclusive jurisdiction in the matter until such complaint is finally disposed of. In case of refusal to commit by 1 of said tribunals after notice and hearing, no complaint shall be made to the other tribunal with reference to the same person within 30 days after such decision is recorded; and only after application to each of said tribunals and neglect or refusal for 3 days on the part of each to act, shall proceedings under section 408-A be taken.

Sec. 414. Commitment of persons of unsound mind for observation. If a person is found by two physicians qualified as examiners in insanity, to be in such mental condition that his commitment to an institution for the insane is necessary for his proper care or observation, he may be committed by any judge or any other officer authorized to commit insane persons to either of the state hospitals for the insane, under such limitations as the judge may direct, pending a determination of his insanity.

Sec. 415. Voluntary patients may be received at state hospitals for insane; release on request. The superintendent in charge of either of the state hospitals to which an insane person may be committed, may receive and detain therein, as a boarder and patient, any person who is desirous of submitting himself to treatment and who makes written application there-

for, and whose mental condition in the opinion of the superintendent or physician in charge is such as to render him competent to make the application. Such superintendent shall give immediate notice of the reception of such voluntary patient to the department. Such patient shall not be detained for more than 10 days after having given notice in writing of his intention or desire of leaving the institution. The charges for support of such a voluntary patient shall be governed by the laws or rules applicable to the support of an insane person in such institution.

Disposal of Insane Criminals.

Sec. 416. Proceedings when a person, committed to jail on a criminal charge, pleads insanity. When a person is indicted for an offense, or is committed to jail on a charge thereof by a trial justice, or judge of a municipal court, any justice of the court before which he is to be tried, if a plea of insanity is made in court, or he is notified that it will be made, may, in vacation or term time, order such person into the care of the superintendent of either insane hospital, to be detained and observed by him until further order of court, that the truth or falsity of the plea may be ascertained. The superintendent of the hospital to which such person is committed shall, within the first 3 days of the term next after such commitment, and within the first 3 days of each subsequent term so long as such person remains in his care, report to the judge of the court before which such person is to be tried, whether his longer detention is required for purposes of observation.

Sec. 417. Proceedings when grand jury omit to indict, or traverse jury acquit on account of the insanity of the accused. When the grand jury omit to find an indictment against any person arrested to answer for an offense, by reason of his insanity, they shall certify that fact to the court; and when a traverse jury, for the same reason, acquit any person indicted, they shall state that fact to the court when they return their verdict; and the court, by a precept stating the fact of insanity, may commit him to the department for the criminal insane at the Augusta state hospital or to either insane hospital; and any person so committed shall be discharged by the court having jurisdiction of the case only on satisfactory proof that his discharge will not endanger the peace and safety of the community; and when such person so discharged is on satisfactory proof again found insane and dangerous, any justice of the superior court may, by a precept stating the fact of his insanity, recommit him to the department for the criminal insane at the Augusta state hospital or to either insane hospital.

Sec. 418. Discharge of person so committed to the hospital; recommitment. Any person so committed to an insane hospital may be discharged by any justice of the superior court, in term time or vacation, on

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satisfactory proof that his discharge will not endanger the peace and safety of the community; or such justice may, on application, commit him to the custody of any friend who will give bond to the judge of probate for the county of Kennebec, if such commitment was to the Augusta state hospital, or to the judge of probate for the county of Penobscot, if such commitment was to the Bangor state hospital, with sufficient sureties, approved by said judge of probate, conditioned for the safe-keeping of such insane person, and the payment of all damages which any person may sustain by his acts. And when, on satisfactory proof, he is again found insane and dangerous, any justice of the superior court may, by a precept stating the fact of his insanity, recommit him to the insane hospital from which he was discharged.

Sec. 419. Support at hospital. The person so committed shall be there supported at his own expense, if he has sufficient means; otherwise, at the expense of the state.

Sec. 420. Governor to appoint an examiner of insane convicts, in each county; proceedings when a prisoner becomes insane. The governor shall appoint in each county in the state a competent physician, who shall be a resident of the county, to act as an examiner of insane convicts in the county jail of the county. When a convict in the state prison or the county jail becomes insane or a convict whose sentence has expired is there detained, and in the opinion of the warden of the state prison or keeper of the jail is insane, the warden shall forthwith notify the prison physician and the jailer shall forthwith notify such examiner in the county of the fact, and the prison physician or such examiner shall forthwith investigate the case and make a personal examination of the convict or party so detained; and if such physician finds such convict or person detained to be insane he shall forthwith certify such fact in writing to the warden of the state prison or keeper of such jail. Said warden shall apply in writing to the judge of the municipal court for the city of Rockland in the county of Knox, and such keeper shall apply to the judge of the municipal court in the place where such jail is located, if any; otherwise to the judge of the nearest municipal court in the county, and if there is no municipal court in such county, to any justice of the superior court, stating the facts connected therewith, and praying that the condition of such convict or person detained as aforesaid may be inquired into and such decree made as to his commitment or detention as justice may require.

Sec. 421. Hearing to be appointed by judge; proceedings thereat; appointment of guardian ad litem and counsel. Such judge shall thereupon appoint a time and place for a hearing by him of the allegations of such application, and shall cause a true copy of said application to be given in hand to the person so alleged to be insane at least 24 hours prior to the

time of said hearing, together with a notice of the time and place of said hearing, and that he has a right and will be given an opportunity then and there to be heard in the matter; he shall call before him all testimony necessary for a full understanding of the case, and shall personally examine and interview such person, whether he shall or shall not appear at such hearing, and shall require and receive evidence of at least 2 reputable physicians not in the employ of the state prison or either of the said jails, all such evidence being given under oath before such judge, with the certificate signed by such physicians and filed with the papers in the case, that in their opinion such person is or is not insane. Such evidence and certificate shall be based upon due inquiry and personal examination of the person to whom insanity is imputed. At said hearing the judge shall appoint a guardian ad litem for the person so alleged to be insane and may in his discretion appoint counsel for such person. The compensation of such guardian and counsel shall be fixed by the judge and included in the expense of the proceedings to be paid by the state or county.

Sec. 422. Commitment, if person is adjudged insane. If upon the foregoing proceedings such judge shall determine that such convict or person detained as aforesaid is insane and that his comfort and safety or that of others interested will thereby be promoted, he shall, in case of such convict or person so detained in the state prison, commit him to the department for the criminal insane at the Augusta state hospital and in the case of a convict or person so detained in either of the county jails he shall commit him to 1 of the insane hospitals, with a certificate stating the fact of his insanity and directing that he shall be received and detained accordingly until he is restored or discharged by law. The certificate of said judge shall state the town in which the prisoner, or person detained, so committed resided at the time of his original commitment to prison or jail. A certified copy of the certificate signed by the prison physician shall accompany said order of commitment made hereunder, and said judge shall keep a record of his doings and furnish a copy to any interested person requiring and paying for it.

Sec. 423. Persons recovering before expiration of sentence. If a person so committed as insane is restored or discharged from such commitment before the expiration of the term of the sentence on which he was originally committed, he shall be returned to the prison or jail in which he was serving his original sentence, and shall be there detained until the time when his original sentence would have expired.

Sec. 424. Fees for examination and certificate. The fee of each physician for such examination and certificate and testifying before said judge shall be \$5.00. All the fees, costs and expenses incident to any such hearing shall be taxed by the judge, and in any case relating to the state prison,

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audited and allowed by the state, and in any cases arising in either of the county jails, by the county commissioners for such county, who shall include therein a reasonable compensation for such judge, and said fees and costs shall be paid by the state and county respectively.

Sec. 425. Commitment of inmates of jails and persons under indictment. Inmates of the county jails and persons under indictment becoming insane before final conviction may be committed to either insane hospital by any justice of the superior court in the county where such person is to be tried, or the case is pending, for observation, under such limitations as such judge may direct.

Sec. 426. Municipal judges may hold court in towns where prison or jails are located. The judge of the municipal court of the city of Rockland is hereby authorized for the purposes provided in the 8 preceding sections, if he shall see fit, to hold his court in the town of Thomaston, and the judge of any municipal court to which application is made by any jailer, and which court is located in a town other than that in which the jail is situated, and which is within the same county, may hold his court for the purposes herein provided in the town where such jail is located.

Sec. 427. Commitment of persons insane when motion for sentence is made; proceedings if insane at expiration of term of commitment; support. If a person convicted of any crime, in the superior court, is found by the judge of such court to be insane when motion for sentence is made, the court may cause such person to be committed to the department for the criminal insane at the Augusta state hospital under such limitations as the court may direct; provided that the crime of which such person is convicted is punishable by imprisonment in the state prison; otherwise such commitment shall be to one of the insane hospitals; if at the expiration of the period of commitment to the department for the criminal insane at the Augusta state hospital such person has not become of sound mind in the opinion of the superintendent of the Augusta state hospital, he shall be removed to one of the insane hospitals. Persons committed by a justice of the superior court before final conviction, or after conviction and before sentence whether originally committed or subsequently removed thereto, and insane convicts after the expiration of their sentences, shall be supported while in the insane hospital in the manner provided by law in the case of persons committed by municipal officers, and the provisions of sections 435 to 437 shall apply to such cases.

Sec. 428. Commitment of women regulated. When a woman is committed to either of the insane hospitals, the officers committing her shall, unless she is to be accompanied by a father, husband, brother, or son, designate a woman to be an attendant or one of the attendants to accompany her thereto.

Recommitment of Patients.

Sec. 429. Application by superintendent for recommitment. Whenever the superintendent of either hospital is in doubt as to the legality of the commitment of any person, now or hereafter committed to the hospital of which he is superintendent, he may apply in writing to the judge of the municipal court of the city where such person is then detained under such commitment, stating therein the material facts connected therewith and annexing thereto copies of all papers under which such person is so detained, with a prayer that the condition of such person may be inquired into and such decree made as to his commitment as justice may require.

Sec. 430. Proceedings; notice, hearing, adjudication, record. Such judge shall thereupon appoint a time and place for a hearing by him of the allegations of such application; shall cause to be given in hand to the person so alleged to be insane, at least 24 hours prior to the time of said hearing, a true copy of said application together with a notice of the time and place of said hearing and that he has a right and will be given opportunity then and there to be heard in the matter; shall call before him all testimony necessary for a full understanding of the case; shall personally examine and interview such person whether he shall or shall not appear at such hearing; shall require and receive the evidence of at least 2 reputable physicians, not in the employ of either hospital to be given under oath before such judge, together with a certificate signed by such physicians and filed with such judge that in their opinion such person is insane, such evidence and certificate to be based upon due inquiry and personal examination of the person to whom insanity is imputed; and if such judge thinks such person insane and that his comfort and safety, or that of others interested, will thereby be promoted, he shall forthwith commit him to that insane hospital the superintendent of which made said application, with a certificate stating the fact of his insanity, and the town in which he resided or was found at the time of the examination referred to in the original papers of commitment annexed to the foregoing application, and directing the superintendent to receive and detain him until he is restored or discharged by law, or by the superintendent or department. A certified copy of the physicians' certificate shall accompany said order of commitment made hereunder. Such judge shall keep a record of his doings and furnish a copy to any interested person requesting and paying for it.

Sec. 431. Expenses paid by state. All the fees, costs, and expenses incident to any such hearing shall be taxed by such judge, who shall include therein a reasonable compensation for such judge. Payment thereof shall be made from any moneys in the treasury not otherwise appropriated.

Sec. 432. Inquiry into cases of alleged unreasonable detention. A friend

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of any person adjudged insane and committed to either state hospital, thinking such person is unreasonably detained, may apply in writing to any justice of the superior court, who shall inquire into the case and summon before him such witnesses as in his judgment may be necessary and upon such application vacate such commitment, and if such person was committed under a sentence following conviction for crime, and the sentence has not expired, remand him to the proper custody, and if the original sentence has expired, discharge such person. He shall tax legal costs and shall decide whether they shall be borne by the petitioner or by the state. If such application is unsuccessful, it shall not be renewed until the expiration of 1 year.

Expenses of Commitment and Support.

Sec. 433. Support of persons committed charged to state. The officers ordering the commitment of a person unable to pay for his support, or becoming unable to pay for his support after commitment, or their successors, or any officer with like power to commit, shall in writing certify that fact to the department and that he has no relatives liable and of sufficient ability to pay for his support, and such certificate shall be sufficient evidence in the first instance to charge the town where the insane resided or was found at the time of his arrest for the expenses of his examination and commitment, and to charge the state for the expenses of his support in the hospital, and the department shall charge to the state the reasonable expense of his support which shall be paid by the state.

If the inability to pay for support exists at the time of commitment, and said municipal officers fail to certify such fact, as required herein, the city or town making such commitment shall be liable for the support of said person until such certificate is furnished.

Sec. 434. Department may recover money improperly paid by state for support of insane. The department may, in its discretion, investigate, or cause to be investigated, the allegations contained in any certificate provided for in the preceding section and if such investigation discloses the fact that any person was, or may be, lawfully liable for the support of the insane person mentioned in any such certificate, the department shall collect, by action in the name of the state, if necessary, all sums which have been paid by the state to the hospital for board of such insane person from the person lawfully liable as aforesaid to pay for the support of such insane person, and thereafter the state shall not be required to pay to said hospital the sum mentioned in said section so long as the liability of any person to support such insane person may lawfully exist. All moneys collected under the provisions of this section shall be forthwith turned over to the treasurer of state, who shall receipt for the same; and the

expenses of the collection of said moneys shall be charged against and paid out of any sums so collected and turned over.

Sec. 435. Liability of town where insane person resided, or was found. The certificate of commitment to the hospital after a legal examination, is sufficient evidence, in the first instance, to charge the town where the insane resided, or was found at the time of his arrest, for the expenses of his examination and commitment to the hospital; and when his friends or others file a bond with the treasurer of the hospital in which he is confined the state shall not be liable for his support, unless new action is had by reason of the inability of the patient or his friends longer to support him; and such action may be had in the same manner, and before the same tribunal, as if he had never been admitted to the hospital.

Sec. 436. Remedy of towns; bills chargeable to the state to be filed with department of finance. Any town thus made chargeable for the expenses of examination and commitment in the 1st instance, and paying for the examination of the insane and his commitment to a hospital, may recover the amount paid, from the insane, if able, or from persons legally liable for his support, or from the town where he has a legal settlement, as if incurred for the expense of a pauper, but if he has no legal settlement in the state, such expenses shall be refunded by the state.

All bills for expenses so incurred and chargeable to the state, shall be filed with the department of finance within 3 months after the same are contracted, and no such bills shall be allowed, unless they are filed with the said department within 60 days after the 31st day of December of the year in which they are incurred. No insane person shall suffer any of the disabilities of pauperism nor be deemed a pauper, by reason of such support. But the time during which the insane person is so supported shall not be included in the period of residence necessary to change his settlement.

Sec. 437. Recovery by state. The state may recover from the insane, if able, or from persons legally liable for his support, the reasonable expenses of his support in either insane hospital.

Discharge of Patients.

Sec. 438. Removal of patient; liability of town for costs. When the municipal officers of any city or town are requested in writing by the superintendent of a state hospital to remove any patient committed to said state hospital from said city or town, when in the opinion of said superintendent such patient does not require further state hospital care or treatment, or when such patient has been discharged by the trustees, it shall be the duty of said municipal officers to remove such patient within 15 days after

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receiving such notice. After the expiration of said 15 days, said city or town shall be liable for the full support of said patient so long as he remains in said hospital.

Sec. 439. Application of § 438, limited. The preceding section does not apply to towns having less than 200 inhabitants, but all insane persons found, and having their residence in such towns, who have no settlement within any town in the state, and have no means of their own for support, or are without relatives able and liable to support them, shall be supported in the hospital at the expense of the state.

Sec. 440. Superintendent may permit inmate to temporarily leave institution. The superintendent of either hospital may permit any inmate thereof to leave such institution, temporarily, in charge of his guardian, relatives, friends, or by himself for a period not exceeding 6 months, and may receive him when returned by any such guardian, relatives, friends, or upon his own application within such period, without any further order of commitment, and the liability of the state, or of any person by bond given for the care, support and treatment of such insane person as originally committed, shall remain in full force and unimpaired upon the return of such person as if he had remained continuously in such hospital. The superintendent of either hospital with the approval of the department may on receipt of formal application in writing before the date of expiration of such leave of absence grant an extension of time for another 6 months.

Sec. 440-A. Discharge of patients. The department shall make a particular examination into the condition of each patient in the state hospitals, including patients committed while under sentence in the state prison or any of the county jails, at least once a year. The department may discharge any one so far restored that his comfort and safety, and that of the public, no longer require his confinement; except in such cases where the patient has been transferred to said hospital from some penal or correctional institution, and the original sentence under which he or she was committed to such institution has not expired; in which cases the patient shall be returned to that institution to serve the remainder of the sentence according to the provisions of the law; and it may transfer to the care and custody of his relatives and friends applying therefor, on conditions to be fixed by the superintendent and department, any such patient not held under sentence whom it is satisfied will be properly cared for by the person making such application.

Regulation of Private Hospitals for the Mentally Deranged.

Sec. 441. Private hospitals to be licensed; to be subject to visitation. The department may license any suitable person to establish and keep a private hospital, or private house for the reception and treatment of

patients who are mentally deranged, and may revoke such license at any time. Such hospital or private house shall be subject to visitation by the department or any member thereof.

Sec. 442. Penalty for violation of § 441. Whoever establishes or keeps such private hospital or private house without a license, or after revocation of said license, shall forfeit not more than \$500.

Sec. 443. Voluntary patients may be received on written application; release on request. The superintendent or manager of such licensed hospital or house for the treatment of mental patients may receive and detain therein as a boarder and patient any person who is desirous of submitting himself to treatment and who makes written application therefor, and is mentally competent to make the application; and any such person who desires so to submit himself for treatment may make such written application. No such person shall be detained more than 5 days after having given notice of his intention, in writing, to leave this institution.

Sec. 444. Commitment to private hospitals. If a person is found by 2 regular physicians registered in Maine to be in such mental condition that his commitment to such hospital or house for mental treatment is necessary for his proper care or observation, when the expense of his care and support are to be paid by himself, or relatives, or friends, or legal or natural guardians, he may be committed for treatment to said private hospital or house for a period not exceeding 30 days, provided such person be accompanied by a certificate signed by said physicians, which certificate shall show that in the judgment of the 2 physicians after an examination by each of them, such person needs treatment in such institution because of his mental condition. Such certificate shall be filed at such institution at the time of admission of the patient, together with a statement of facts regarding the family and personal history of the patient. Within 30 days after such commitment, if, in the opinion of the superintendent or manager or the attending physician, the said person has recovered or improved mentally to such an extent that in the judgment of said physician further treatment at such hospital or house is not necessary, the said person shall be discharged.

Sec. 445. If patient is to be kept more than 30 days, examination to be made and hearing held. If after a patient has been committed to such hospital or house for treatment for a period not exceeding 30 days by 2 registered physicians, and it is the opinion of the superintendent or the manager or attending physician, after 15 days or more of observation and treatment, that such patient will not improve or recover to such an extent that it will be for his welfare to leave such hospital or house at the end of the 30 day period, it shall be the duty of the superintendent, manager or at-

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tending physician to have the said patient examined by 2 disinterested, registered physicians who have practiced 3 years or more in Maine and who are not employed by such hospital or house, and if in the opinion of these physicians the said patient should require further treatment at said hospital or house, the superintendent, manager or attending physician shall make application to the judge of a municipal court or probate court in the county where said hospital or house is located, for a hearing, before the expiration of the 30 day period. Said judge shall then cause a notice of time of hearing to be served upon such patient at least 24 hours prior to the time of hearing, and the superintendent, manager or attending physician shall give the patient an opportunity to be present at the hearing if the patient so wishes, provided that in the opinion of the superintendent, manager or attending physician the patient's physical and mental condition is such that it would not be injurious to his health or dangerous to others for the patient to attend the hearing, and the said patient shall have the right to be represented at said hearing by relatives, friends, legal or natural guardians or attorneys at his own expense, if he so wishes.

Sec. 446. Patient may be committed for indefinite treatment on oath of 2 physicians and order of judge. In all such cases for commitment of any person to such licensed hospital or house for treatment for an indefinite period, the opinion that the patient requires further treatment at said hospital or house shall be given under oath by at least 2 registered physicians who have practiced at least 3 years in Maine, and if in the opinion of the judge additional medical testimony as to the mental condition of the patient is required, he may appoint a physician to examine and report thereon, the expense of said examination and report to be paid by the patient. The said judge may then commit such person to said hospital or house for further treatment by an order of commitment directed to the superintendent or manager accompanied by a certificate of at least 2 registered physicians who have practiced 3 or more years in Maine, which certificate shall set forth that in their opinion such patient requires further treatment. The order of commitment shall direct the superintendent or manager to detain such patient for further treatment in said hospital until such time as in the opinion of a recognized alienist the patient has recovered or improved mentally to such an extent that his detention in such hospital is no longer necessary for his own welfare or the safety of the public; or until suitable arrangements have been made for said patient's proper care and supervision outside of said institution by his legal or natural guardians; or until on 3 days' notice, said superintendent or manager shall notify the legal or natural guardian to remove said patient from said institution; or until such time as it shall become necessary to commit said patient to a state hospital, or said patient shall be discharged by order of law.

Sec. 447. Private hospital to be visited. Each of said licensed hospitals or houses shall be visited at least once a year, and oftener if the commissioner so directs, by a member of the department who shall carefully inspect every part of said hospital or house visited with reference to its cleanliness and sanitary conditions and who shall make a report to the department with such recommendations to improve conditions as said department may deem necessary.

Sec. 448. License may be revoked after hearing. Upon the failure of any superintendent or manager of such licensed hospital or house to comply with any of the provisions of the 7 preceding sections, the commissioner may order a hearing to be held and notify in writing said superintendent or manager of such hearing, by 7 days' notice, to be held at the state house at Augusta, and if it shall appear to the commissioner that the provisions of said sections have not been complied with, he may revoke the license of said hospital or house.

Pownal State School.

Sec. 449. Management of school; ages of inmates. The Pownal state school, heretofore established at Pownal, in the county of Cumberland, shall be maintained for the care and education of idiotic and feeble-minded males, between the ages of 6 years and 40 years, and females, between the ages of 6 years and 45 years, except that idiotic and feeble-minded state paupers of either sex or patients transferred from either state hospital for the insane under the provisions of this chapter may be admitted after the above stated ages.

Sec. 450. Payment for support of inmates; state may recover reasonable expenses for support. All indigent and destitute persons in this state, who are proper subjects for said school, and have no parents, kinsmen, or guardian able to provide for them, may be admitted as state charges and all other persons in this state, who are proper subjects for said school, when parents, kinsmen, or guardian bound by the law to support such persons are able to pay, shall pay such sum for care, education, and maintenance of such persons as the department shall determine, and such persons from other states having no such institution or similar school may be received into such school when there is room for them without excluding state charges, at a cost to such person or those who are legally responsible for their maintenance, of not less than \$3.25 per week; and the state may recover from any person admitted to said school, if able, or from persons legally liable for his support, the reasonable expenses of his support in said school.

Sec. 451. Judge of probate may commit. Whenever it is made to appear, upon application to the judge of probate for any county and after

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due notice and hearing, that any person resident in said county, or any inmate of the state school for girls, the state school for boys, the military and naval children's home, or any person supported by any town, is a fit subject for the Pownal state school, such judge may commit such person to said school by an order of commitment directed to the department accompanied by a certificate of 2 physicians who are graduates of some legally organized medical college and have practiced 3 years in this state, that such a person is a proper subject for said institution; provided no such order of commitment shall issue until an application for admission of such person has first been made to the department which shall be placed on file at the institution and evidence thereof presented to the judge of probate, accompanied by a certificate of the superintendent, stating, in substance, that such person will be received under the provisions of section 453, when properly committed. Whenever, upon such application, there is occasion for the judge of probate to attend a hearing on days other than days fixed as the regular day for holding the probate court, said judge of probate shall be allowed \$5 per day for his services and expenses, which shall be paid by the county treasurer upon the certificate of the county commissioners.

Sec. 452. Order of committal subject to appeal; discharge of inmates. Any order of committal under the preceding section shall be subject to appeal in the same manner, by the same persons and to the same extent, that decrees of the judge of probate appointing guardians over persons alleged to be insane or incompetent or spendthrift, and no committal under said section shall bar habeas corpus proceedings, but the court upon habeas corpus proceedings may confirm the order of commitment whenever justice requires. Any inmate of the school may be discharged by the department or by a justice of the superior court, whenever a further detention in such school in their opinion is unnecessary; but any person so discharged who was under sentence of imprisonment at the time of his commitment, the period of which shall not have expired, shall be committed or remanded to prison for such unexpired time.

Sec. 453. Order of admittance. Feeble-minded persons shall be admitted to the institution in the following order: 1st, feeble-minded persons who are now in public institutions supported entirely at public expense; 2nd, feeble-minded persons in public institutions not supported as aforesaid; 3rd, feeble-minded persons who are not in any institution of the state, who have no parents, kinsmen, or guardian able to provide for them, or who are committed by a judge of probate; 4th, those residing within the state whose parents, kinsmen, or guardian bound by law to support such persons are able to pay; 5th, persons of other states whose parents, kinsmen, or guardian are willing to pay.

Sec. 454. Appointment of specialists for care of temporary patients;

department of community service, organization and duties of; superintendents of hospitals for insane, etc., to cooperate with other state institutions; dissemination of knowledge as to mental diseases; expenses of department. In every state institution, to which an insane, feeble-minded or epileptic person may be committed, the department shall appoint a physician experienced in the care and treatment of such persons, also the necessary assistants to such physician and shall organize and administer under his direction a bureau for community service in the district served by the institution. The duties of said bureau shall be:

First: The supervision of patients who have left the institution with a view to their safe care at home, suitable employment, and self support under good working and living conditions, and prevention of their relapse and return to public dependency.

Second: Provision for informing and advising any indigent person, his relatives, or friends and the representatives of any charitable agency as to the mental condition of any indigent person, as to the prevention and treatment of such condition, as to the available institutions or other means of caring for the person so afflicted, and as to any other matter relative to the welfare of such person.

Third: Whenever it is deemed advisable the superintendent of the institution may cooperate with state departments to examine upon request and recommend suitable treatment and supervision for

(a) Persons thought to be afflicted with mental or nervous disorder.

(b) School children who are nervous, psychopathic, retarded, defective, or incorrigible.

(c) Children brought before any juvenile court.

Fourth: The acquisition and dissemination of knowledge of mental disease, feeble-mindedness, epilepsy, and allied conditions, with a view to promoting a better understanding and the most enlightened public sentiment and policy in such matters. In this work the bureau may cooperate with local authorities, schools, and social agencies.

Sterilization in Certain Cases.

Sec. 455. Sterilization may be performed to prevent reproduction of feeble-mindedness or in treatment of mental disease; consent necessary; procedure prior to operation. The operations of vasectomy and fallocotomy may be performed under the conditions and within the restrictions herein described, and under such provisions shall be lawful.

When either of the recognized sterilizing operations herein referred to may be indicated for the prevention of the reproduction of further feeble-mindedness, or for the therapeutic treatment of certain forms of mental disease, physicians having the custody of such cases may recommend to the nearest relative, guardian, and affected individual the advisability and

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necessity of such operation; and when the written consent of the patient, when mentally competent to give such consent, or the written consent of the guardian when the patient is mentally incompetent to give such consent, is given, the physician having the custody aforesaid of said case shall call a council of 2 registered medical practitioners—one a physician and one a surgeon—of not less than 5 years' practice and not related to the patient, whose duty it shall be in conjunction with the physician in charge of the case, to examine the individual recommended for operation. Whether the person to be operated upon is mentally capable of giving his consent shall be decided by the consultants and stated in writing, with their reasons therefor, and such written statement shall be kept on file at the Pownal state school and in case they find that the patient is mentally incapable of giving his consent, the consent of the guardian must be secured. If in the judgment of the consulting physicians the operation will prevent the further propagation of mental deficiency, or if in the judgment of the medical consultants the physical or mental condition of any such person will be substantially benefited thereby, then the consultants shall select a competent surgeon to perform the operation of fallocotomy or vasectomy, as the case may be, upon such person.

Revisor's note: Amended by P. L., 1933, c. 77

Sec. 456. Provisions for recommendation for sterilization in certain cases. Whenever it appears to the medical staff or institution physician of any institution in this state which has the care or custody of insane or feeble-minded persons that any inmate under the care or custody of such institution would be likely, if released without sterilization, to produce a child or children who by reason of inheritance would have a tendency to serious mental disease or mental deficiency, said medical staff or institution physician shall submit to the department a recommendation that a surgical operation be performed upon said patient for the prevention of parenthood. This recommendation shall be in writing and accompanied by the sworn statement of the superintendent of such institution containing the history of the inmate as shown by the records of the institution, so far as it bears upon the recommendation for sterilization and setting forth the reasons why sterilization is recommended.

Sec. 457. Written order for sterilization; conditions for. If, in the judgment of the department, procreation by said inmate would be likely to produce a child or children who by reason of inheritance would have a tendency to serious mental deficiency it shall be the duty of the department to approve said recommendation within 30 days and send to the superintendent of such institution a written order, signed by the commissioner directing him to proceed with the sterilization not earlier than 50 days after the receipt of said order; provided, however, that no order

of sterilization shall be carried into effect until the same shall have been further approved by 2 of the following persons, the superintendent of the Bangor state hospital, the superintendent of the Augusta state hospital and the superintendent of the Pownal state school for the feeble-minded.

Sec. 458. Notice to be given. Such department shall also send 1 copy of the order for sterilization to the inmate and another copy to the father or mother, husband or wife or legal guardian of the inmate, accompanying it in each case by a certified copy of the recommendation aforesaid and notification that the inmate or his or her representative has a right of appeal to the courts. If none of the foregoing relatives are known and no legal guardian has been appointed, the department shall request a judge of the superior court to appoint some attorney to protect the rights of the inmate and such notices and copies shall be sent to such attorney.

Sec. 459. Appeal from order for sterilization. Within 30 days of the issuance of any order of sterilization an appeal may be taken therefrom to the superior court by the inmate or his or her representative. Such appeal shall be entered and heard at the next term of said court held at least 14 days after the date of such appeal in the county where inmate was domiciled when committed. The proceedings in such appeals shall be governed by the rules provided for probate appeals.

In this appeal the person for whom an order of sterilization has been issued shall be designated as the plaintiff and the superintendent of the institution in which said inmate is under care or custody shall be designated as defendant. The finding of the court shall be certified to the department. Such finding may affirm, revise or reverse the order of the board appealed from.

Sec. 460. Proceedings stayed pending appeal; how order shall be carried out. The pendency of any appeal shall stay proceedings under the order of such department until the appeal be determined. Should the decision of the court uphold the plaintiff's objection, the order for sterilization shall be vacated automatically and the case may not be initiated again within 1 year of the date of the final decision of the court. Should the court find against the plaintiff said order shall be put into effect by the superintendent of the institution in which the inmate is under care or custody and the inmate shall be sterilized by vasectomy, if a male; by fallocotomy, if a female.

Sec. 461. Permanent record, where kept; inspection of. The completed original documents in every case not originated and completed at the Pownal state school shall be forwarded to said school for permanent record and a duplicate thereof shall be retained by the institution where the inmate was confined. Such records or documents shall not be open to public

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inspection except for such purposes as may be approved by the superintendent of the Pownal state school, and the commissioner with the assurance that the names of the persons sterilized shall not be made public.

Sec. 462. Liability of persons executing the provisions of §§ 455-462. Neither any of said superintendents nor any other person legally participating in the execution of the provisions of sections 455 to 462, inclusive, shall be liable either civilly or criminally on account of said participation, except in the case of negligence in the performance of the operation.

State Sanatoriums for Treatment of Tuberculosis.

Sec. 463. Establishment and maintenance of 1 or more sanatoriums. The state shall maintain by building, lease, or by purchase 1 or more sanatoriums in such districts of the state as shall seem best to serve the needs of the people for the care and treatment of persons affected with tuberculosis. Where lease or purchase is made the state shall have the right to enlarge or otherwise adapt the property to meet the needs of the situation; and such additions or improvements shall be considered permanent. At the expiration of the original lease of any property for use as a tuberculosis sanatorium the state shall have the right of renewal or of purchase.

Sec. 464. Admittance of patients; charges for treatment. Persons having legal residence in Maine may be admitted to these sanatoriums from any part of the state; provided after due examination by any reputable physician or the superintendent of the sanatorium said person shall be found to be suffering from tuberculosis. All patients in the state sanatoriums shall pay to the state the actual cost of such treatment including all board, supplies, and incidentals; provided that the department may, after a proper investigation of the financial circumstances of the patient, either before or after admission, if it finds said patient or his or her relatives are unable to pay said cost in whole or in part, waive such cost charge or so much thereof as it deems the circumstances warrant and provided further, that said department in granting admissions to said sanatoriums after giving consideration to the need of treatment by and the menace to other persons of, the prospective patient, shall not give preference to any person because of his ability to pay the whole or any part of said cost charge. No discrimination shall be made in the accommodation, care, or treatment of any patient because of the fact that the patient or his relatives do or do not contribute in whole or in part to the charge for treatment; and no officer or employee of such state sanatorium shall accept from any patient thereof any fee or gratuity whatever for any service rendered.

Revisor's note: Amended by P. L., 1933, c. 220

Maine School for the Deaf.

Sec. 465. Purpose of Maine School for the Deaf. Maine School for the Deaf, established by chapter 446, of the private and special laws of 1897, is to be devoted to the education and instruction of deaf and dumb children.

Sec. 466. State to assume charge and expenses; government. Said school shall be located at Portland, in the county of Cumberland, and the state shall have the entire charge, responsibility and expense of maintaining said school. The government of said school is vested in the department.

Sec. 467. Powers and duties of department. The department shall have charge of the general interests of said school and see that its affairs are conducted in accordance with law. It may employ officers, teachers and other employees as it may deem advisable and fix the compensation of the same, subject to the approval of the governor and council; it may from time to time prescribe the system of education and course of study to be pursued in the school.

Sec. 468. Admittance of children to school. With the consent of its parent or guardian, the department may admit to said school for a term not exceeding 12 years, any deaf and dumb child residing in this state and not less than 5 years of age, who shall not be withdrawn or discharged from said school, except with the consent of the department or the governor and council, and the sums necessary for the support and instruction of such children while attending said school, shall be paid by the state.

Sec. 469. Admittance of children from other states. Deaf and dumb children residing in other states may, at the discretion of the department, be admitted to said school upon the payment by their parents, guardian or other responsible agency of a reasonable compensation to be fixed by the department. All income from this or any other source shall be paid to the treasurer of state and shall be added to the appropriation for the maintenance of said school.

State Military and Naval Children's Home.

Sec. 470. Bath Military and Naval Children's Home declared a state institution; purposes. The State Military and Naval Children's Home established as the Bath Military and Naval Orphan Asylum at Bath by chapter 163 of the private and special laws of 1866, is hereby declared to be a state institution, the purpose of which is the rearing and educating, gratuitously in the common branches of learning and ordinary industrial pursuits of the poor and neglected children of this state, preference being given to the children of soldiers and sailors of Maine who have served in the various wars in which the United States has engaged.

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Sec. 471. Guardianship of members of home. The department shall have charge of the affairs of said home. Its head shall be called the superintendent. The commissioner, or such bureau chief as he may select, and the superintendent shall act as a board of guardians of all the children who are members of said home and shall have all the power and authority granted by law to guardians.

Repealing Clause.

Sec. 472. Repealing Clause. All of the following enumerated provisions of statute law are hereby repealed:

§§ 122-125 inclusive of c. 2 of the revised statutes.

"	I-62	"	"	c. 17	"	"	"	"
"	249-254	"	"	c. 19	"	"	"	"
"	I-152	"	"	c. 22	"	"	"	"
"	28-30	"	"	c. 36	"	"	"	"
"	7-11	"	"	c. 42	"	"	"	"
"	15-40	"	"	c. 72	"	"	"	"
"	49-61	"	"	c. 72	"	"	"	"
"	I-18	"	"	c. 149	"	"	"	"
"	I-88	"	"	c. 152	"	"	"	"
"	I-36	"	"	c. 154	"	"	"	"
"	I-65	"	"	c. 155	"	"	"	"
"	I-7	"	"	c. 156	"	"	"	"
"	I-12	"	"	c. 157	"	"	"	"
"	I-23	"	"	c. 158	"	"	"	"
"	I-11	"	"	c. 161	"	"	"	"

All of the following enumerated provisions of the public laws of 1931 are hereby repealed:

- c. 17
- c. 33
- c. 35
- c. 46
- c. 134
- c. 136
- c. 143
- c. 153
- c. 167
- c. 171
- c. 174
- c. 200
- c. 204
- c. 214

c. 225, §§ 2, 6, 7, 8, 31

c. 235

c. 272

c. 275

c. 279

Sec. 473. Interpretation of act. It is hereby declared that it is the intent of this legislature that none of the provisions of this act shall be held to supersede any provisions of other acts passed at this session, and that all other acts passed at this session affecting law herein are intended to be amendatory hereof.

It is also declared to be the intent of this legislature that all departments, bureaus, offices, and heads and officers thereof, boards, commissions, etc., and members thereof mentioned or described in this act that have been heretofore established or appointed and are now in existence or office, are hereby continued in effect or in office under the same terms and conditions as originally established or appointed, under the provisions of law.

Approved March 28, 1933.

Chapter 2.

AN ACT to Revise the Laws Relating to Sea and Shore Fisheries.

Be it enacted by the People of the State of Maine, as follows:

Sec. I. Repealing clause. Chapter 50 of the revised statutes and the following public laws of 1931: chapters 72, 97, 178, 197, 198, 199, article 4 of chapter 216, and section 13 of chapter 225, are hereby repealed.

Sec. II. Enacting clause. The following provisions are hereby enacted in place of the provisions of law repealed by the preceding section and shall be cited as said chapter 50 of the revised statutes.

Chapter 50.

Sea and Shore Fisheries.

Sections 1- 11 General Provisions.

Sections 12- 23 Inspection of Fish.

Sections 24- 25 Fish Packing.

Sections 26- 42 Fishing Regulations.

Sections 43- 71 Regulation of Shellfish Industry.

Sections 72- 97 Regulation of Lobster Industry.

Sections 98-102 Libels. Jurisdiction. Fines and Penalties.